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Attorneys for Defendant Marcus Food Co.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CATLIN UNDERWRITING AGENCIES
LIMITED,

Plaintiff,

vs.

SAN DIEGO REFRIGERATED SERVICES,
INC., dba HARBORSIDE dba SAN DIEGO
TERMINALS, PLA-ART INTERNATIONAL
dba SAN DIEGO COLD STORAGE; SAN
DIEGO COLD STORAGE, INC., MIGUEL
CUEVA aka MIGUEL TAMAYO; SERGIO
HERNANDEZ; MARCUS FOODS, INC.,
and DOES 1 through 50, inclusive,

Defendants.

CASE NO.: 08-CV-0173-WQH-JMA

DEFENDANT MARCUS FOOD CO.'S
RULE 26 DISCLOSURE

TO ALL PARTIES AND COUNSEL OF RECORD:

1 Defendant Marcus Food Co., (hereinafter "Defendant") hereby submits the following
2 initial discovery disclosures pursuant to the Federal Rules of Civil Procedure, Rule 26:

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5 I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

6 Based upon information that is currently available, Defendant identifies the following
7 individuals that would have discoverable information, other than that which will be used for
8 impeachment: Jerry Marcus, Keith Alter and Mark Luterman, Marcus Food Co., 240 N.
9 Rock Rd., suite 246 Wichita, Kansas 67206, Dean Kirby, 600 B Street, Suite 1950, San
10 Diego, California, 92101, Alberto Sanchez, 29771 Circle R Court, Escondido, California
11 92026, Sergio Hernandez, San Diego Cold Storage, 1240 West 28th St., National City,
12 California, 91950.

13
14 II. THE DESCRIPTION AND LOCATION OF TANGIBLE THINGS IN THE
15 POSSESSION, CUSTODY, OR CONTROL OF PARTY THAT WILL BE USED TO
16 SUPPORT CLAIMS OR DEFENSES

17 Based upon information that is currently available, and other than materials which
18 will be used for impeachment, Defendant is in possession of Inventory of stolen food
19 products referenced as Marcus Food Co., order 1006-837-M and Marcus Food Co.,
20 Accounts Payable Payment History.

21
22
23 III. COMPUTATION OF ANY CATEGORY OF DAMAGES CLAIMED BY THE
24 DISCLOSING PARTY

25 Based upon information that is currently available, Defendant identifies the following
26 damage computations: Inventory of stolen food products referenced as Marcus Food Co.,
27 order 1006-837-M and Marcus Food Co., Accounts Payable Payment History.

IV. BUSINESS INSURANCE AGREEMENT THAT MAY BE LIABLE TO SATISFY
PART OR ALL OF A JUDGMENT

Not applicable to this party.

V. IDENTITY OF ANY PERSON WHO MAY BE USED AT TRIAL TO PRESENT
EVIDENCE UNDER FRCP RULES 702, 703, OR 705

Based upon information that is currently available, Defendant identifies the following individuals that may be called upon to provide expert testimony in this case: Jerry Marcus, Keith Alter and Mark Luterman, Marcus Foods, 240 N. Rock Rd., suite 246 Wichita, Kansas 67206, Dean Kirby, 600 B Street, Suite 1950, San Diego, California, 92101, Alberto Sanchez, 29771 Circle R Court, Escondido, California 92026, Sergio Hernandez, San Diego Cold Storage, 1240 West 28th St., National City, California, 91950

VI. WITNESSES WHO ARE RETAINED OR SPECIALLY EMPLOYED TO PROVIDE
EXPERT TESTIMONY

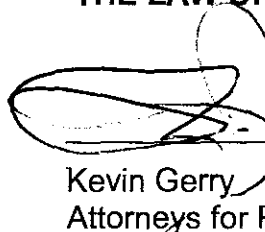
Defendant has not yet retained any experts in this case.

VII. EVIDENCE TO BE FILED WITH THE COURT WHICH CLAIMANT MAY PRESENT
AT TRIAL

Based upon information that is currently available, Defendant is unaware of any additional witnesses, documents or other matters, other than that which is disclosed above or will be used for impeachment.

DATED: June 10, 2008

THE LAW OFFICES OF KEVIN GERRY


Kevin Gerry
Attorneys for Plaintiff Marcus Foods

PROOF OF SERVICE

I declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am over the age of 18 and not a party to this case.

My business address is: 1001 Olive Street
Santa Barbara, CA 93021

On the date stated below, the foregoing documents described as:
DEFENDANT MARCUS FOOD CO.'S RULE 26 DISCLOSURE

Were served on the interested parties in said action, by:

☒ (**MAIL SERVICE**), placing the original, or true copies thereof, enclosed in sealed envelopes to:

☐ (**OVERNIGHT MAIL**), placing the original, or true copies thereof, enclosed in sealed overnight mail envelopes to:

☐ (**PERSONAL SERVICE**), delivering said documents by hand at LASC to:

☐ (**FACSIMILE**), causing delivery, before 5p.m., via facsimile, to:

☐ (**E-MAIL**), causing delivery, before 5p.m., via electronic mail, to:

The following addressees:

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This document was executed in Santa Barbara, California
on:

06/10/08


Declarant